

Randall W. Davis, Ph.D.
Department of Marine Biology
Texas A&M University
5007 Avenue U
Galveston, Texas 77551

Dear Dr. Davis:

Enclosed is Permit Number 800-1664-00, which authorizes takes of threatened and endangered Steller sea lions (*Eumetopias jubatus*) in Alaska by capture, anesthesia, hot-branding, tissue sampling (including blood, skin, and blubber), attachment of scientific instruments (video system/data logger and satellite transmitters), and accidental mortality, to compare hunting behavior and three-dimensional movements of free-ranging adult females (including pregnant animals) and juveniles of both sexes at various rookeries, as it relates to prey preferences and predator-prey relationships. Please review the Permit and all attachments to ensure that you understand what is authorized and that you comply with the Research and General Conditions.

Inasmuch as the proposed research involves activities that may pose a risk of death or injury to the animals, Special Condition B.1.b requires that research be suspended, pending review of the experimental protocol, if 2 sea lions in the western population or 13 sea lions total are killed or seriously injured by the presence or actions of the researchers. In order to coordinate the activities of all permit holders conducting research on endangered Steller sea lions and ensure that research-related mortalities do not exceed limits determined to be insignificant, this condition also requires that both the National Marine Fisheries Service (NOAA Fisheries) Permits, Conservation and Education Division and the NOAA Fisheries Alaska Regional Office Division of Protected Resources be immediately notified immediately by phone of any research-related mortalities, and that a written report be submitted within two weeks of the incident. Note that research under all permits for takes of Steller sea lions will be suspended pending review if research-related mortalities of endangered Steller sea lions reach 10 animals.

Part C requires that, upon receipt of this Permit, and prior to conducting research, you must notify the Permits, Conservation and Education Division and the Alaska Regional Office Division of Protected Resources of your intended dates, location(s), and personnel by phone or fax. In addition, to facilitate coordination of the authorized activities under all permits for takes of Steller sea lions, you must provide a detailed description of your intended field sites and/or survey routes and estimated dates of research to the Permits, Conservation and Education Division and the Alaska Regional Office Division of Protected Resources by March of each permit year and confirm these dates and locations at least one month in advance of any field trip/season. In addition, Condition C.3 requires all permit holders conducting research on Steller

sea lions to develop and submit a collaborative research coordination and monitoring plan within six months, for approval by the Office of Protected Resources.

The Reporting Conditions (Part D) of all NOAA Fisheries permits require that both a tabular and narrative format be submitted to the Permits, Conservation and Education Division. It is essential that annual and final reports from Permit Holders are current and accurate. These reports are the only means NOAA Fisheries has of evaluating the potential impacts of research activities on marine mammals. This is particularly imperative for those species listed as threatened and endangered under the Endangered Species Act. Specifically, the reports we receive from researchers are used to: 1) coordinate permit activities to ensure that unnecessarily duplicative and potentially cumulative harassments are kept to a minimum; 2) supplement the baseline information used in Section 7 consultations; and 3) evaluate the Holder's file when a new application for scientific research is received.

Part E involves conditions for use of commercial/documentary film taken during research. If a documentary or commercial film crew wants to accompany you to film your research, you must submit a written request for approval to this Office. Please allow sufficient time for processing the request. In addition, you may use photographs already taken (*e.g.*, from previous research activities) for non-research related activities provided the photograph or film includes a caption indicating that the images were taken under a permit issued by NOAA Fisheries and includes the Permit number.

As Holder and Principal Investigator of this Permit, you are ultimately responsible for all activities of any individual operating under its authority. All personnel involved in the conduct of the research must perform a function directly supportive of and necessary for the research, or be one of a reasonable number of support personnel. Please note that since your application specified only a Principal Investigator and a Co-Investigator, and did not include the names or qualifications of any other personnel who might be involved in the research, the PI or CI must be present and directly supervising the activities of any other individuals engaged in the conduct of research authorized under this Permit (50 CFR 216.41(c)(1)(iii)). The Permits, Conservation and Education Division must approve in advance any additional Co-investigators not named in the application. If you wish to add personnel to the Permit, please submit a written request with their names, specific duties, and qualifications to the Permits, Conservation and Education Division.

Please note that some of your research may require a special use permit from the United States Fish and Wildlife Service if you will be within the boundaries of the Alaska Maritime National Wildlife Refuge. Please contact the Refuge office at 2355 Kachemak Bay Drive, Suite 101, Homer, Alaska 99603 (phone: 907-235-6546; FAX: 907-235-7783) to determine whether you will need such a permit prior to conducting your research.

The original Permit and a file copy of the signature page are enclosed. After reviewing the Permit and all attachments to ensure that you understand what is authorized, please sign and date both signature pages, and return the one marked **“file copy”** to our office.

Please note that this Permit is not valid until our office receives the signed copy. You may submit the copy by facsimile to 301/713-0376 and confirm it by mail. If you have any problems or questions, please contact Dr. Tammy Adams or Ruth Johnson at 301/713-2289.

Sincerely,

/s/

Eugene T. Nitta
Acting Chief, Permits, Conservation
and Education Division
Office of Protected Resources

Enclosure

Permit No. 800-1664-00
Expiration Date: December 31, 2004

SCIENTIFIC RESEARCH PERMIT TO TAKE MARINE MAMMALS

Authorization

Dr. Randall W. Davis, Department of Marine Biology, Texas A&M University, Galveston, Texas 77551, is hereby authorized to take marine mammals in the manner specified below for the purpose of scientific research, subject to the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*), and the regulations governing endangered fish and wildlife permits (50 CFR Parts 217-222). Researchers may conduct activities by the means and for the purposes described in the application except as limited by the terms and conditions of this Permit.

Abstract

The purpose of the authorized research, as stated in the application, is to compare hunting behavior and three-dimensional movements of free-ranging adult female Steller sea lions (including pregnant animals) and juvenile Steller sea lions of both sexes at various rookeries, as it relates to prey preferences and predator-prey relationships.

A. Number and Kind(s) of Marine Mammals and Location(s)

1. The following table outlines the number of animals, by species, authorized to be taken and the activities authorized to be performed on each animal. The Researchers [Permit Holder, Principal Investigator (PI), and/or Co-investigator(s) (CI(s))] may conduct research activities in Alaska.

Table 1. Maximum annual takes of Steller sea lions under Permit No. 800-1664-00.

Activity	Age class	# Animals taken/year ¹	# Takes/ animal/ year	Season	Location
1. Incidental disturbance during capture/sampling activities	all ages	400	unknown	all year	Alaska-wide
2. Accidental mortality	juveniles (≥ 1 year old)	10	1	all year	Alaska-wide Not to exceed 2 total in western stock
	adult females	3			
3. Capture (includes hoop net, underwater lasso, Telazol) and Restraint (includes isoflurane)	juveniles (≥ 1 year old)	30	3	all year	Alaska-wide
	adult females	15	3		
Note that the following takes are a subset of those animals captured in Activity 3 and thus do not represent additional animals taken, but rather additional procedures per animal.					
3.a. Blood collection	juveniles (≥ 1 year old)	30	3	all year	Alaska-wide
	adult females	15	3		

Activity	Age class	# Animals taken/year ¹	# Takes/ animal/ year	Season	Location
3.b. Skin/blubber biopsy	juveniles (≥ 1 year old)	30	3	all year	Alaska-wide
	adult females	15	3		
3.c. Fecal loops and culture swabs	juveniles (≥ 1 year old)	30	3	all year	Alaska-wide
	adult females	15	3		
3.d. Flipper tag (may retain skin punch for genetic analysis) or Hot-brand (Note: only one or the other marking method per animal)	juveniles (≥ 1 year old)	30	1 over life of animal	all year	Alaska-wide
	adult females	15			
3.e. Attachment of scientific instruments (includes VHF, SLTDR, video system/data logger)	juveniles (≥ 1 year old)	30	3	all year	Alaska-wide
	adult females	15	3		

B. Research Conditions [50 CFR 216.36(b)]

1. General:

- a. The following individuals may participate in the conduct of the research authorized herein in accordance with their qualifications as described in the application: Principal Investigator - Randall W. Davis; Co-Investigator - Donald Calkins.

- b. In the event that accidental mortality of sea lions reaches the number specified in Table 1, Section A of this Permit (i.e., 2 endangered sea lions or 13 sea lions total in one year), research must be immediately suspended and the protocol must be reviewed, and, if necessary, revised to the satisfaction of NOAA Fisheries in consultation with the Marine Mammal Commission. Be advised that any deaths that could have been caused by the presence or actions of the researchers, regardless of whether the animal was in hand at the time of death, should be reported. This includes, but is not limited to, deaths of pups by starvation following the research-related death of a lactating female, and deaths resulting from infections related to intrusive procedures or injuries sustained by animals attempting to evade capture or restraint. If researchers are uncertain about whether a death was related to the research, they should consult with the NOAA Fisheries Permits, Conservation and Education Division. The Permit Holder, Principal Investigator, or Co-Investigator must immediately notify both the NOAA Fisheries Permits, Conservation and Education Division and the Alaska Regional Office Division of Protected Resources of any incidents. Note that activities under all permits for takes of Steller sea lions will be suspended, pending review, if the total number of research-related mortalities of endangered Steller sea lions reaches 10 animals. The Permit Holder must submit in writing within two weeks, a report that includes a complete description of the events surrounding the incident and identification of steps that will be taken to reduce the potential for additional accidents. The Permit Holder must send this report to the Chief, Permits, Conservation and Education Division, F/PR1, 1315 East-West Highway, Silver Spring, MD 20910. Research may recommence upon review of that information and authorization by the Chief, Permits, Conservation and Education Division. [§216.34(b)]

- c. This Permit specifically does not authorize the conduct of research activities aboard or in cooperation with organizations that do both research and whale watching and any vessel or aircraft engaged in commercial whale watching or other commercial activities. Further, this Permit does not authorize the cooperation with any vessel or aircraft carrying any nonessential passengers (*i.e.*, not essential for the conduct of the research) who either pay a fee in return for being allowed onboard the vessel or aircraft, or who, prior to or after the trip, give “donations” to the Holder(s), Principal Investigator(s), Co-investigator(s), or Research Assistant(s).
- d. Where required by the Permit Holder’s facility/institution, no *intrusive* research on animals may occur until the research protocols have been reviewed and approved by the Permit Holder’s IACUC, and a copy of the approval received by the Permits, Conservation and Education Division. Note that intrusive research is defined by regulations (50 CFR 216.3) to mean a procedure conducted for bona fide scientific research involving: A break in or cutting of the skin or equivalent, insertion of an instrument or material into an orifice, introduction of a substance or object into the animal’s immediate environment that is likely either to be ingested or to contact and directly affect animal tissues (*i.e.*, chemical substances), or a stimulus directed at animals that may involve a risk to health or welfare or that may have an impact on normal function or behavior (*i.e.*, audio broadcasts directed at animals that may affect behavior).

2. Specifics:

- a. To minimize impacts on rookeries, researchers shall:
 - 1) not survey or capture any animals on a rookery until after the end of the pupping season, when mother-pup bonds are well-established and the mean age of pups is at least 2 months;
 - 2) minimize the total time that they are occupying the site (≤ 2 hours); and
 - 3) use biologists experienced in capture techniques to complete the activities as quickly as possible.

- b. To minimize the potential negative impacts of animal capture, handling, and sampling activities, researchers shall:
- 1) process animals in groups small enough that all animals can be adequately monitored (e.g., ≤ 10 pups), allow animals to rest before handling, and immediately release animals showing signs of distress;
 - 2) monitor and record the total handling/restraint time for each individual animal, as well as any response of the animal to handling;
 - 3) allow only personnel highly experienced or well-trained in the use of veterinary techniques and designated as the PI or a CI in Condition B.1.a. of this permit to perform invasive procedures on animals (including, but not limited to, blood sampling, biopsy sampling, and flipper-tagging);
 - 4) select target animals far enough away from other animals to minimize the possibility of having other sea lions interfere with the target animal;
 - 5) use disposable needles, biopsy punches, etc. to the maximum extent possible (**always** use disposable needles for blood sampling and injections of drugs or other approved substances);
 - 6) when disposables are not available, thoroughly disinfect (with a bacteriocidal/virucidal agent in accordance with the product directions) all darts, stomach tubes, biopsy needles, etc. thoroughly between animals and immediately prior to each use; and
 - 7) ensure that an experienced marine mammal veterinarian is present to carry out or provide direct on-site supervision of all activities involving use of anesthesia.
- c. Researchers shall take all reasonable steps to identify pups of lactating females before attempting to immobilize a lactating female. In the event a female dies or is seriously injured as a result of the activities, the orphaned

pup shall be humanely provided for (i.e. salvaged [placed in a Stranding facility for rehabilitation and eventual release], or if salvage is not possible, euthanized). Pups humanely euthanized shall count against the total number of animals authorized for accidental mortality in Part A, Table 1 of this Permit.

- d. Caution must be exercised when approaching all pinnipeds, particularly mother/pup pairs, and efforts to approach and handle a particular animal or mother/pup pair must be immediately terminated if there is any evidence that the activity(ies) may be life-threatening or interfering with the animals' vital functions (e.g., nursing, breeding, feeding, sheltering).
- e. Researchers shall conduct post-handling monitoring of all animals for signs of stress or injury, and to ensure mother-pup pairs have been re-united. Researchers shall also monitor rookeries following any disturbance (e.g. counting activities) to determine if any animals have been seriously injured, or if any pups have been abandoned. Any observed serious injury to, death, or abandonment of an animal is to be recorded and counted against the total takes allowed in Part A, Table 1. In the case of abandonment, orphaned pups shall be provided for as in Condition B.2.c above.
- f. The Permit Holder/Principal Investigator shall terminate research activities at the end of each permit year (*i.e.*, December 31) and must request authorization to resume research for each succeeding year. Re-authorization of research activities will be based primarily on NOAA Fisheries' evaluation of the annual report as required in Special Condition D.1. Authorization of each year's research does not in any way guarantee or imply that NOAA Fisheries will authorize subsequent years' activities.
- g. Biological samples: All specimen materials collected or obtained under this authority shall be maintained according to accepted curatorial standards. This includes maintaining a record that includes the species name and type(s) of specimens, circumstances surrounding the specimen acquisition, methods used to preserve specimens, date(s) acquired, date(s) shipped, location(s) of collection and who collected the sample(s). After completion of initial research goals, any remaining samples shall be deposited into a *bona fide* scientific collection which meets the minimum standards of collection, curation, and data cataloging as established by the

scientific community, and is authorized by a scientific research permit. Attached is section 216.37 of the Regulations Governing the Taking and Importing of Marine Mammals that contains additional conditions applicable to maintaining marine mammal parts. These regulations are made a part hereof.

3. Expiration Date: Researchers may conduct activities authorized by this Permit through December 31, 2004.

C. Notification and Coordination Conditions

1. Notification: For NOAA Fisheries to coordinate activities authorized herein with other research that may be occurring in the same area, immediately upon receipt of this Permit, and prior to conducting any authorized research, the Permit Holder must notify both the Permits, Conservation and Education Division and the Alaska Regional Administrator of the intended field sites and/or survey routes and dates of research. The Permit Holder must also provide a detailed description of the intended field sites and/or survey routes, estimated dates of research, and participants (*i.e.*, all CIs and research assistants) to the Permits, Conservation and Education Division and the Alaska Regional Office Division of Protected Resources by March of each permit year and confirm these dates and locations at least one month in advance of any field trip/season.

Alaska Region, NOAA Fisheries, P.O. Box 21668, Juneau, AK 99802-1668;
phone (907)586-7221; fax (907)586-7249

2. NOAA Fisheries observers: NOAA Fisheries Regional Offices are responsible for coordinating research activities within their jurisdictions and reserve the right to place observer(s) on research vessels and/or aircraft to monitor the effects of authorized activities on the animals and provide the Permit Holder with sufficient notice to ensure that adequate accommodations will be provided to the observer(s).
3. Coordination: In order to avoid unnecessary duplicative research and unnecessary disturbance of animals, the Permit Holder **must** coordinate research authorized herein with other researchers conducting the same or similar studies on the same species, in the same locations and at the same time. To that end, all permit holders conducting research on Steller sea lions are required to work with each

other to develop a research coordination and monitoring plan within six months of issuance of the permits. This plan must be submitted to the NOAA Fisheries Office of Protected Resources, Permits, Conservation and Education Division by April 4, 2003 for final review and approval.

D. Reporting Conditions

1. Annual Reports: Each year the Permit is valid, the Permit Holder must submit an annual report by April 1 of the next year, describing the specific activities that have been conducted during the previous 12 month period (i.e., December to December). The annual report must be both tabular and narrative in nature, and follow the format outlined in Appendix A. A blank table is attached to this Permit for your use.
 - a. The annual report must include, in tabular form:
 - 1) species;
 - 2) activities;
 - 3) number of animals taken (by age, sex, and reproductive condition) by each activity;
 - 4) number of times each activity was performed on each animal; and
 - 5) location(s).
 - b. The annual report must also include, in narrative form:
 - 1) a detailed description of the animals' reactions to the activities and steps taken, if necessary, to minimize disturbance;
 - 2) how the results of this reporting period demonstrate the accomplishments of your research goal and, if applicable, how such goals pertain to the species conservation plan;

- 3) a description of the activities planned for the forthcoming year, and steps that have been and will be taken to coordinate the research activities with the NOAA Fisheries Regional Administrator(s) and other researchers; and
 - 4) a description of when or if any results have been published or otherwise made public during the reporting period. [Note that any documents (including reports, manuscripts, and video or still photos) resulting from work conducted under the authority of this Permit should refer to the Permit by number .][suggested template change]
2. Final Reports: The Researchers must submit a final report within 180 days after completion of the research, or expiration date of the Permit, whichever occurs first. The report must follow the same format outlined above for annual reports and include:
 - a. a reiteration of the objectives and a summary of the results of the research (including a cumulative summary of takes) and how they pertain to or further the research goals stated in the permit applications and NOAA Fisheries conservation plans; and
 - b. an indication of where and when the research results will be published.
3. The Researchers must submit to the Director, Office of Protected Resources, NOAA Fisheries, 1315 East-West Highway, Suite 13705, Silver Spring, MD 20910, all reports, and any papers or publications resulting from the research authorized herein.

E. Photography and Filming Conditions [50 CFR 216.36(b)]

1. The Permit Holder and all researchers working under this Permit must obtain prior approval by the NOAA Fisheries Permits, Conservation and Education Division for the following:
 - a. non-research related use of photographs, video, and/or film that were taken to achieve the research objectives; and

- b. all activities not essential to achieving the research objectives (*e.g.* still photography, videotaping, motion picture film making). Such activities must not influence the conduct of research in any way.
2. The Permit Holder and researchers are hereby notified that failure to obtain NOAA Fisheries approval prior to conducting or facilitating such activities will be considered a violation of the Permit. The Permit Holder and researchers must agree, upon request by NOAA Fisheries, to make space available on the vessel or aircraft for a NOAA Fisheries observer during any trips where activities identified in E.1.b. may be conducted.
3. Any commercial/documentary film approved for use must include a credit, acknowledgment, or caption indicating that the research was conducted under a permit issued by NOAA Fisheries under the authority of the MMPA and the ESA.

F. General Conditions [50 CFR 216.35]

1. The Permit Holder is ultimately responsible for all activities of any individual who is operating under the authority of the Permit. The Principal Investigator (PI) shares this responsibility.
2. Co-investigators (CIs) are individuals identified by the Holder or PI, and approved by the NOAA Fisheries, who are qualified to conduct research activities authorized by the Permit without the on-site supervision of the Holder or PI.
 - a. Restrictions: Only the Holder, PI, or CI(s) may conduct the research activities authorized by this Permit. The qualifications and experience of the CI(s) must be commensurate with his/her assigned responsibilities.
 - b. CI designation: The Holder or PI must submit a CI designation request to the Chief, Permits, Conservation and Education Division, Office of Protected Resources. The request must include the individuals' resume, curriculum vitae, or bio-sketch, and duty(ies) to be performed. Approval by NOAA Fisheries is based on the individual's qualifications to perform the requested activity(ies). To expedite this process, the letter and CV may be submitted by facsimile (301/713-0376) followed by mail confirmation.

3. Research Assistants are individuals who work under the direct supervision of the PI or CI(s) and who are authorized to record data and assist in monitoring and restraining animals. The qualifications and experience of the Research Assistant(s) must be commensurate with his/her assigned responsibilities.
 - a. Restrictions: With the exception of professional and/or experienced photographers/videographers (see 3.b. below) or licensed and/or experienced boat operators, Research Assistants are NOT authorized to carry out underwater observations and/or photography or to operate vessels. Paying interns are not authorized to operate vessels for research purposes under any circumstances.
 - b. Photographer/videographer: A professional and/or experienced videographer/photographer under the direct, on-site supervision of the Researchers [Holder, PI, or CI(s)], may conduct research activities requiring underwater observations and/or photography. The Holder, PI, or CI(s) must be present at all times when research is being conducted.
4. Persons who require state or Federal licenses to conduct activities authorized under the Permit must be duly licensed when undertaking such activities.
5. For research conducted in a National Wildlife Refuge, the Permit Holder must consult with and, as appropriate, obtain the necessary special use permits from the United States Fish and Wildlife Service. For the Alaska Maritime National Wildlife Refuge, contact USFWS at 2355 Kachemak Bay Drive, Suite 101, Homer, Alaska 99603; phone: 907-235-6546; FAX: 907-235-7783.
6. The PI and CI(s) cannot transfer or assign the Permit to any other person. The PI may request authorization to add a person to this Permit, but the PI cannot accept any direct or indirect compensation from the individual, in exchange for doing so.
7. The PI and CI(s) and all other researchers operating under the authority of this Permit must possess a copy of Permit No. 800-1664-00 when engaged in a permitted activity, and as applicable, when a marine mammal is in transit incidental to such activity, and whenever marine mammals or marine mammal parts are in the possession of the Permit Holder, PI or CI(s). The Permit Holder, PI, or CI(s) must affix a copy of the Permit to any container, package, enclosure, or other means of containment, in which the marine mammals or marine mammal

parts are placed for purposes of transit, supervision, or care. Any storage facility repositing marine mammal parts must keep a copy of the Permit on file.

8. Inspection: Upon request of NOAA Fisheries enforcement agents or personnel designated by the Director, Office of Protected Resources, the Permit Holder, PI and/or CI(s) must make available for inspection: records, facilities, marine mammals, marine mammal parts, copies of photographs, motion picture films, and/or video tapes, and any other information related to any inspection of records associated with this Permit.
9. Permit Amendments: The Director, Office of Protected Resources, NOAA Fisheries may amend the provision of this Permit in response to or independent of a request from the Permit Holder. Be advised that requests to amend the permit must come from the Permit Holder, be submitted in writing and follow the same format as for permit applications.
10. NOAA Fisheries shall be the sole arbiter of whether a given activity is within the scope and bounds of the authorization granted in this Permit. The Holder is on notice that if the Holder is unsure whether an activity is within the scope of the Permit, the Holder should contact the NOAA Fisheries Permits, Conservation and Education Division for verification before conducting the activity. Failure to verify, where NOAA Fisheries subsequently determines that the activity was outside the scope of the Permit, may be used as evidence of a violation of the Permit, the MMPA, and the ESA in any enforcement actions.
11. Any falsification of information pertaining to the permitted activities, including information provided to NOAA personnel, will be considered a violation of the Permit.
12. The Permit Holder and PI, in signing this Permit and reading and understanding the "Definitions" (Attachment 2), have accepted and will comply with the provisions of this Permit, applicable Regulations (50 CFR Parts 216 and 222.23), the ESA, and the MMPA.

G. Penalties and Permit Sanctions (50 CFR 216.40)

1. Any person who violates any provision of this Permit is subject to civil and criminal penalties, permit sanctions, and forfeiture as authorized under the MMPA, ESA, or 15 CFR part 904 [Civil Procedures].
2. All permits are subject to suspension, revocation, modification, and denial in accordance with the provisions of subpart D [Permit Sanctions and Denials] of 15 CFR part 904.

_____/s/_____
Donald R. Knowles
Director
Office of Protected Resources
National Marine Fisheries Service

12 November 2002
Date

Randall W. Davis, Ph.D.
Permit Holder and Principal Investigator
Texas A&M University

Date

G. Penalties and Permit Sanctions (50 CFR 216.40)

1. Any person who violates any provision of this Permit is subject to civil and criminal penalties, permit sanctions, and forfeiture as authorized under the MMPA, ESA, or 15 CFR part 904 [Civil Procedures].
2. All permits are subject to suspension, revocation, modification, and denial in accordance with the provisions of subpart D [Permit Sanctions and Denials] of 15 CFR part 904.

Donald R. Knowles
Director
Office of Protected Resources
National Marine Fisheries Service

Date

Randall W. Davis, Ph.D.
Permit Holder and Principal Investigator
Texas A&M University

Date

**FILE COPY
SIGN AND RETURN**

Appendix A: Format for submitting annual and final reports for NOAA Fisheries Marine Mammal Permits

I. Annual Reports

Each year the Permit is valid, the Permit Holder must submit an annual report, describing the specific activities that have been conducted. The annual report must be both tabular and narrative in nature. Although Annual Reports are primarily used by the Permits, Conservation and Education Division to ensure compliance of research with the terms and conditions of the Permit, they are also used for assessing the cumulative effects of permitted research on a given species, and are sent to the same team of reviewers, including the Marine Mammal Commission, as the application. Thus, it is important for Annual Reports to be complete and self-contained documents that concisely summarize the takes for the previous year, as well as the effects of the research on the animals. Annual reports shall, therefore, contain the following information in the order listed.

INTRODUCTION

State the objective(s) of the study for which the Permit was used, and the hypotheses being tested. It is not necessary to restate the background information provided in your permit application in support of the study.

METHODS

It is not necessary to describe in full detail all the take activities, but they should be briefly discussed, particularly if there were things that didn't work as planned. Also discuss any measures you think could be taken in the future to further minimize potential adverse effects on individual animals and the population/stock/species. It is important to give the exact dates and locations (with latitude and longitude where possible) of each activity. If vessel or aerial surveys were part of the permitted research, include a map of the survey transect(s). Also discuss the number of personnel involved in the takes and explain the functions of the various individuals.

RESULTS

Do not submit raw data. In the narrative portion of this section, summarize the number of takes by activity for each species, age class, sex, and reproductive condition. Describe, in detail, the reaction of animals to the various take activities. For example, if individual whales were closely approached for photo-identification, describe the reactions of individual whales. If a large pinniped rookery was surveyed from an airplane, describe the general effect on the majority of animals. If individual animals were captured and subjected to intrusive procedures, describe the reaction of the individual animal, including any data collected on vital rates (heart rate, respiration) or other indicators of stress. If there was no discernable response, that should

also be noted. Accidental mortalities, whether or not covered by special reporting conditions in the permit, must also be noted in this report. Also discuss measures that were taken by researchers to minimize disturbance, stress, pain, and suffering.

In the tabular portion of this section, **do not submit raw data**. Provide a table (or tables, if needed for clarity) that clearly demonstrate the takes by activity, date, and location for each species by age, sex, and reproductive condition. Where individual animals were subjected to more than one type of take, list all activities that were performed per animal. Make certain you include the number of times a given activity was performed on individual animals. For example, if an animal was captured, tagged, and had tissue samples taken, and was then re-captured at a later date for repeat tissue sampling, make certain this is reflected in the table(s). If tissue samples were shared with cooperators and/or other non-permitted researchers, they should be identified.

CONCLUSION

Briefly explain how the results of this reporting period demonstrate the accomplishments of your research goal and, if applicable, how such goals pertain to the species conservation plan. Describe the activities planned for the forthcoming year, and steps that have been and will be taken to coordinate the research activities with the NOAA Fisheries Regional Administrator(s) and other researchers. Finally, describe when or if any results have been published or otherwise made public during the reporting period, including technical reports and memorandum, conference presentations, etc. Don't forget to send copies of all reports, publications, etc., resulting from the research conducted under the permit to the NOAA Fisheries Division of Permits, Conservation and Education. If any non-research related use of images (including still photographs and video footage) was authorized during the reporting period, remember to submit copies of these, if the copies were not previously provided, to the Permits Division as well.

II. Final Reports

Researchers must submit a final report within 180 days after completion of the research, or expiration date of the permit, whichever occurs first. As with the Annual Reports, the Final Report is used to ensure compliance with the terms and conditions of the Permit, as well as to evaluate eligibility for future permits. Final Reports are distributed to the same reviewers, including the Marine Mammal Commission, as the Annual Reports. The Final Report must follow the format outlined below.

INTRODUCTION

Same as for Annual Reports

METHODS

Same as for Annual Reports

RESULTS

Because the Final Report serves as the Annual Report for the last year of the permit, it is important in this section to clearly and separately enumerate both the takes for the last year of the permit and the cumulative takes over the duration of the permit, as described above for Annual Reports.

CONCLUSION

As with Annual Reports, briefly explain how the results of this reporting period demonstrate the accomplishments of your research goal and, if applicable, how such goals pertain to the species conservation plan. Also explain how the results over the duration of the permit demonstrate these things. Indicate where and when the research results will most likely be published. Don't forget to send a copy of any publications, including technical reports, to the Permits Division to complete your permit file. Although they are not considered peer-reviewed publications, copies of any conference abstracts or presentations related to activities authorized in the permit should also be provided.

Attachment 1: Table for recording annual takes of Steller sea lions under Permit No. 800-1664-00.

Activity	Age Class	# animals taken/year ²	# takes/ animal/ year	season	location
1. Incidental disturbance during capture/sampling activities	all ages				
2. Accidental mortality	juveniles (≥ 1 year old)				
	adult females				
3. Capture (includes hoop net, underwater lasso, Telazol) and Restraint (includes isoflurane,)	juveniles (≥ 1 year old)				
	adult females				
<i>Note that the following takes are a subset of those animals captured in Activity 3 and thus do not represent additional animals taken, but rather additional procedures per animal.</i>					
3.a. Blood collection	juveniles (≥ 1 year old)				
	adult females				

Activity	Age Class	# animals taken/year ²	# takes/ animal/ year	season	location
3.b. Skin/blubber biopsy	juveniles (≥ 1 year old)				
	adult females				
3.c. Fecal loops and culture swabs	juveniles (≥ 1 year old)				
	adult females				
3.d. Flipper tag (may retain skin punch for genetic analysis) or Hot-brand (Note: only one or the other marking method per animal.)	juveniles (≥ 1 year old)				
	adult females				
3.e. Attachment of scientific instruments (includes VHF, SLTDR, video system/data logger)	juveniles (≥ 1 year old)				
	adult females				

Attachment 2 : Definitions**DEFINITION OF TERMS COMMONLY FOUND IN
SCIENTIFIC RESEARCH PERMITS**

acute behavioral response - Repeated, prolonged or excessive instances of behavior, brought on by any act or omission of the researcher and manifested by, among other actions on the part of the animal, interruptions of breeding, nursing, or resting activities, movement away from researchers, including a stampede; or the abandonment of a previously frequented area.

attempt - An effort made to accomplish some permitted activity. For example, a tag or biopsy dart deployment from either a crossbow, airgun or pole.

bona fide research - Scientific research on marine mammals conducted by qualified personnel, the results of which: 1) likely would be accepted for publication in a refereed scientific journal; 2) are likely to contribute to the basic knowledge of marine mammal biology or ecology; or 3) are likely to identify, evaluate or resolve conservation problems. Research that is not on marine mammals, but that may incidentally take marine mammals, is not included in this definition.

Co-investigator, CI - The on-site representative of a principal investigator who has qualifications comparable to the PI.

harass(ment) - To disrupt the normal behavior or prior activity of an animal by any act or omission. This disruption of normal behavior may be manifested by, among other actions on the part of the animal, interruptions of breeding, nursing, or resting activities, movement away from researchers, including a stampede; or the abandonment of a previously frequented area.

hard parts - Any bone, tooth, baleen, treated pelt, or other part of a marine mammal that is relatively solid or durable.

humane - The method of taking, import, export, or other activity which involves the least possible degree of pain and suffering practicable to the animal involved.

intrusive research - A procedure conducted for bona fide scientific research involving: A break in or cutting of the skin or equivalent, insertion of an instrument or material into an orifice, introduction of a substance or object into the animal's immediate environment that is likely either

to be ingested or to contact and directly affect animal tissue (i.e., chemical substances), or a stimulus directed at animals that may involve a risk to health or welfare or that may have an impact on normal function or behavior (i.e., audio broadcasts directed at animals that may affect behavior). For captive animals, this definition does not include: 1) A procedure conducted by the professional staff of the holding facility or an attending veterinarian for purposes of animal husbandry, care, maintenance, or treatment, or a routine medical procedure that, in the reasonable judgement of the attending veterinarian, would not constitute a risk to the health or welfare of the captive animal; or 2) A procedure involving either the introduction of a substance or object (i.e., as described in this definition) or a stimulus directed at animals that, in the reasonable judgement of the attending veterinarian, would not involve a risk to the health or welfare of the captive animal.

Level A harassment - Any act of pursuit, torment, or annoyance which has the potential to injure a marine mammal or marine mammal stock in the wild.

Level B harassment - Any act of pursuit, torment, or annoyance which has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering by which does not have the potential to injure a marine mammal or marine mammal stock in the wild.

Permit Holder - Person, institution, or agency who is ultimately for all activities of any individual who is operating under the authority of the permit.

Ports, Designated and Border -

Designated Ports - U.S. Customs ports of entry that are designated for the importation or exportation of wildlife; they are:

- | | |
|--------------------------|--------------------|
| 1) Los Angeles, CA | 8) New Orleans, LA |
| 2) San Francisco, CA | 9) Honolulu, HI |
| 3) Miami, FL | 10) Chicago, IL |
| 4) New York, NY | 11) Seattle, WA |
| 5) Dallas/Fort Worth, TX | 12) Boston, MA |
| 6) Portland, OR | 13) Atlanta, GA |
| 7) Baltimore, MD | |

Border Ports - Wildlife whose country of origin is Canada or the United States

may be imported or exported at any of the following U.S. Customs ports of entry or “border ports”. Authorization from a “designated port” is needed before entry.

- 1) Alaska - Alcon
- 2) Idaho - Eastport
- C. Maine - Calais, Houlton, Jackman
- 4) Massachusetts - Boston
- 5) Michigan - Detroit, Port Huron, Sault Sainte Marie
- 6) Minnesota - Grand Portage, International Falls, Minneapolis-St. Paul
- 7) Montana - Raymond, Sweetgrass
- 8) New York - Buffalo-Niagra Falls, Champlain
- 9) North Dakota - Dunseith, Pembina, Portal
- 10) Ohio - Cleveland
- 11) Vermont - Derby Line, Highgate Springs
- 12) Washington - Blaine, Sumas

Wildlife whose country of origin is Mexico or the United States may be imported or exported at any of the following U.S. Customs ports of entry or “border ports”:

- 1) Arizona - Lukeville, Nogales
- 2) California - Calexico, San Diego-San Ysidro
- 3) Texas - Brownsville, El Paso, Laredo

Wildlife lawfully taken by U.S. residents in the United States, Canada or Mexico and imported or exported for noncommercial purposes, may be imported or exported at any U.S. Customs port of entry.

Principal Investigator, PI - The individual primarily responsible for the taking, importation, exportation, and any related activities conducted under a permit issued for scientific research or enhancement purposes. The PI must have qualifications, knowledge and experience relevant to the type of research activities authorized by the permit.

rehabilitation - Treatment of beached and stranded marine mammals taken with the intent of restoring the marine mammal's health and, if necessary, behavioral patterns.

Research Assistant, RA - Individual who works under the direct supervision of the CI or PI, and who is authorized to record data and/or serve as safety observer and/or boat tender. The RA is not authorized to carry out underwater observations and/or photography. The qualifications and experiences of the RA must be commensurate with his/her assigned

responsibilities. If the RA is to operate a boat, they must be licensed and/or professionally trained and experienced in maneuvering vessels around marine mammals.

soft parts - Any marine mammal part that is not a hard part, e.g. blood, blubber, or other tissue samples. Soft parts do not include urine or fecal material.

stranded marine mammal - A marine mammal specimen under the jurisdiction of the Secretary of Commerce, if: 1) the specimen is dead and is on a beach or shore, or is in the water within the Exclusive Economic Zone of the U.S.; or 2) the specimen is alive, and is on a beach or shore and is unable to return to the water, or is in the water within the Exclusive Economic Zone of the U.S. where the water is so shallow that the specimen is unable to return to its natural habitat under its own power.

take - To harass, hunt, capture, collect, or kill, or attempt to harass, hunt, capture, collect, or kill any marine mammal (as defined in the MMPA). To harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct (as defined in the ESA). This includes, without limitation, any of the following: The collection of dead animals, or parts thereof; the restraint or detention of a marine mammal, no matter how temporary; tagging a marine mammal; the negligent or intentional operation of an aircraft or vessel, or the doing of any other negligent or intentional act which results in disturbing or molesting a marine mammal; and feeding or attempting to feed a marine mammal in the wild.

take table - An outline, by species, age, and sex, of the type of activity(ies) authorized, the number of takes per activity, the number of takes per individual, and the location of takes and activity(ies).

Attachment 3

50 CFR §216.37 Marine mammal parts.

With respect to marine mammal parts acquired by take or import authorized under a permit issued under this subpart:

(a) Marine mammal parts are transferrable if:

(1) The person transferring the part receives no remuneration of any kind for the marine mammal part;

(2) The person receiving the marine mammal part is:

(i) An employee of NMFS, the U.S. Fish and Wildlife Service, or any other governmental agency with

conservation and management responsibilities, who receives the part in the course of their official duties;

(ii) A holder of a special exception permit which authorizes the take, import, or other activity involving the

possession of a marine mammal part of the same species as the subject part; or

(iii) In the case of marine mammal parts from a species that is not depleted, endangered or threatened, a person who is authorized under section 112(c) of the MMPA and subpart C of this part to take or import marine mammals or marine mammal parts;

(iv) Any other person specifically authorized by the Regional Director, consistent with the requirements of paragraphs (a)(1) and (a)(3) through (6) of this section.

(3) The marine mammal part is transferred for the purpose of scientific research, maintenance in a properly curated, professionally accredited scientific collection, or education, provided that, for transfers for educational purposes, the recipient is a museum, educational institution or equivalent that will ensure that the part is available to the public as part of an educational program;

(4) A unique number assigned by the permit holder is marked on or affixed to the marine mammal part or container;

(5) The person receiving the marine mammal part agrees that, as a condition of receipt, subsequent transfers may only occur subject to the provisions of paragraph (a) of this section; and

(6) Within 30 days after the transfer, the person transferring the marine mammal part notifies the Regional Director of the transfer, including a description of the part, the person to whom the part was transferred, the purpose of the transfer, certification that the recipient has agreed to comply with the requirements of paragraph (a) of this section for subsequent transfers, and, if applicable, the recipient's permit number.

(b) Marine mammal parts may be loaned to another person for a purpose described in paragraph (a)(3) of this section and without the agreement and notification required under paragraphs (a)(5) and (6) of this section, if:

- (1) A record of the loan is maintained; and
- (2) The loan is for not more than one year. Loans for a period greater than 12 months, including loan extensions or renewals, require notification of the Regional Director under paragraph (a)(6).

(c) Unless other disposition is specified in the permit, a holder of a special exception permit may retain marine mammal parts not destroyed or otherwise disposed of during or after a scientific research or enhancement activity, if such marine mammal parts are:

- (1) Maintained as part of a properly curated, professionally accredited collection; or
- (2) Made available for purposes of scientific research or enhancement at the request of the Office Director.

(d) Marine mammal parts may be exported and subsequently reimported by a permit holder or subsequent authorized recipient, for the purpose of scientific research, maintenance in a properly curated, professionally accredited scientific collection, or education, provided that:

- (1) The permit holder or other person receives no remuneration for the marine mammal part;
- (2) A unique number assigned by the permit holder is marked on or affixed to the marine mammal specimen or container;
- (3) The marine mammal part is exported or reimported in compliance with all applicable domestic and foreign laws;
- (4) If exported or reimported for educational purposes, the recipient is a museum, educational institution, or equivalent that will ensure that the part is available to the public as part of an educational program; and
- (5) Special reports are submitted within 30 days after both export and reimport as required by the Office Director under §216.38.

Attachment 4: USFWS Inspectors

The address for each office listed below begins with:

U. S. Fish & Wildlife Service
Division of Law Enforcement

Anchorage 605 W. 4th Avenue, Room 57 Anchorage, Alaska, USA 99501 Phone: (907) 271-6198 Fax: (907) 271-6199	Honolulu - Designated 3375 Koapaka St. #F275 Honolulu, Hawaii, USA 96819 Phone: (808) 861-8525 Fax: (808) 861-8515
Houston 4141 N. Sam Houston Pky. East Suite 260 Houston, Texas, USA 77032 Phone: (713) 672-4420 - Seaport Phone: (281) 821-5714 - Airport Fax: (281) 821-7993	Baltimore - Designated 40 S. Gay Street, #223 Baltimore, Maryland, USA 21202 Phone: (410) 865-2127 Fax: (410) 865-2129
Laredo Convent & Zaragoza Bridge #1, 200.9 Laredo, Texas, USA 78040 Phone: (956) 726-2234 Fax: (956) 726-3718	Atlanta - Designated P.O. Box 45287 Atlanta, Georgia, USA 30320 Phone: (404) 763-7959 Fax: (404) 763-7560
Blaine 9925 Pacific Highway Blaine, Washington, USA 98230 Phone: (360) 332-5388 Fax: (360) 332-3010	Los Angeles - Designated 370 Amapola Ave. #114 Torrance, California, USA 90501 Phone: (310) 328-6307 Fax: (310) 328-6399

Boston - Designated 120 Second Avenue Building 120 Boston, Massachusetts, USA 02129 Phone: (617) 242-7874 Fax: (617) 242-7609	Miami - Designated 10426 N.W. 31st Terrace Miami, Florida, USA 33172 Phone: (305) 526-2610 Fax: (305) 526-2695
Brownsville 1500 E. Elizabeth St. #239 Brownsville, Texas, USA 78520 Phone: (956) 504-2035 Fax: (956) 504-2289	New Orleans - Designated 2424 Edenborn, Room 100 Metairie, Louisiana, USA 70001 Phone: (504) 589-4956 Fax: (504) 589-4939
Buffalo 405 N. French Road #120 B Amherst, New York, USA 14228 Phone: (716) 691-3635 Fax: (716) 691-3990	New York - Designated 70 E. Sunrise Hwy. #419 Valley Stream, New York, USA 11580 Phone: (516) 825-3950 Fax: (516) 825-1929 - Inspectors Fax: (516) 825-3597 - Special Agents
Chicago - Designated Wildlife Inspection Program P.O. Box 66726 Chicago, Illinois, USA 60666-0726 Phone: (773) 894-2910 Fax: (773) 894-2916	Newark - Designated 1210 Corbin St SeaLand Bldg, 2nd Fl. Elizabeth, New Jersey, USA 07201 Phone: (973) 645-5910 Fax: (973) 645-6533
Dallas/Ft. Worth - Designated P.O. Box 610069 DFW Airport, Texas, USA 75261-0069 Phone: (972) 574-3254 Fax: (972) 456-0811	Nogales 9 N. Grand Avenue #2229 A Nogales, Arizona, USA 85621 Phone: (520) 287-4633 Fax: (520) 287-4604

Denver Rocky Mtn. Arsenal #128 Commerce City, Colorado, USA 80022 Phone: (303) 287-2110 Fax: (303) 287-1570	Portland - Designated P.O. Box 55206 Portland, Oregon, USA 97238 Phone: (503) 231-6135 Fax: (503) 231-6133
Detroit Detroit Metro Airport - International Terminal Mezzanine Level Room 221 Detroit, Michigan, USA 48242 Phone: (734) 941-6801 Fax: (734) 941-6902	San Diego 185 West F Street, Room 440 San Diego, California, USA 92101 Phone: (619) 557-5794 Fax: (619) 557-2997
Dunseith U. S. Highway 281 @ Canadian Border Dunseith, North Dakota, USA 58329 Phone: (701) 263-4462 Fax: (701) 263-4463	San Francisco - Designated 1633 Old Bayshore Hwy., Ste. 248 Burlingame, California, USA 94010 Phone: (650) 876-9078 Fax: (650) 876-9701
El Paso Bota, 3600 E. Paisano, #142A El Paso, Texas, USA 79905 Phone: (915) 534-6660 Fax: (915) 532-4776	Seattle - Designated 2580 South 156th Street Seattle, Washington, USA 98158 Phone: (206) 764-3463 Fax: (206) 764-3485
Great Falls P.O. Box 3172 Great Falls, Montana, USA 59403-3172 Phone: (406) 453-5790 Fax: (406) 453-3657	St. Paul/Minneapolis HHH Terminal 7100 34th Avenue S. Minneapolis, Minnesota, USA 55450 Phone: (612) 726-6302 Fax: (612) 726-6303

Guam P.O. Box 23774 - GMF Barriagada, Guam, USA 96921 Phone: (671) 647-6064 Fax: (671) 647-6068	Tampa 9549 Koger Blvd. #111 St. Petersburg, Florida, USA 33702 Phone: (727) 570-5398 Fax: (727) 570-5450
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